

ORDINANCE NO. 5374

AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE COSTS AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING WITHOUT A PERMIT

WHEREAS, the Memphis City Council recognizes the amount of man hours dedicated by the Memphis Police Department for investigating crimes is significantly impacted by the number of false alarms received daily; and

WHEREAS, the current ordinance is excessively lenient in false alarm allowances and fines compared to that of cities of comparable size and demographics; and

WHEREAS, the Memphis City Council deems it appropriate to amend this ordinance to ensure the health, safety and welfare of the citizens of Memphis are protected by the Memphis Police Department.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 28, Article VI, Division 3, Section 28-130 (b) is hereby amended to delete the current language and insert the following

Sec.28 -130. False alarms fines; dispatch records; appeals.

(b) An alarm user shall be subject to civil penalties, warnings, and suspensions or revocation of the permit after the fifth false alarm dispatch within a twelve-month period based upon the following schedules:

Number of False Alarm Dispatches	Action Taken	Civil Penalties
1	On-site written notice.	No Fine
2	On-site written notice.	No Fine
3	On-site written notice and warning letter #1.	No Fine

4	On-site written notice, warning letter # 2 and mandatory alarm users class.	No Fine
5	On-site written notice, warning letter #3 and mandatory fine.	\$25.00
6	On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine.	\$25.00
7	On-site written notice, mandatory fine and civil damages.	\$25.00
8 or more	On -site written notice, mandatory fine, civil damages, revocation of permit and future alarms may be considered false in nature and will require additional confirmation prior to response.	\$25.00

1. The Alarm Office shall collect the civil penalties for false alarms in accordance with this section. Failure to comply with any of the action prescribed by this section within the time period required by the Alarm Office shall be considered an ordinance violation and the alarm user shall be subject to the general penalty provisions of this Code.

2. In the event an alarm user is experiencing maintenance issues with his alarm, the alarm company may contact the Alarm Administrator and inform him that the company is currently working to correct system problems. The Alarm Administrator with notice to the Metro Alarm Review Board and Memphis Police Department shall note on the alarm users file that the system is currently under maintenance and any false alarms incurred during a thirty (30) day period after notification from the alarm company shall not be counted against the alarm user. The alarm company shall have the responsibility of notifying the Alarm Administrator in writing that the problem has been resolved. Should the alarm problem persist for a period longer than thirty (30) days then the Alarm Administrator with approval from the Metro Alarm Review Board shall have the option to remove the exception or extend the maintenance period for an additional period of time up to thirty (30) days.

3. All alarm installation companies providing services in Memphis and Shelby County shall, after the fifth day of the month following installation, send the alarm office all installations for the preceding thirty (30) day period. In addition, alarm monitoring firms shall provide after the fifth day of the end of each month, a list of any and all locations where alarm monitoring services are provided. Such list shall remain confidential to the extent allowed by law.

SECTION 2. BE IT FURTHER ORDAINED that Chapter 28, Article VI, Division 3, Section 28-130 (c) is hereby amended to delete the current language and insert the following

- (c) Any person operating a non-permitted alarm system, whether revoked or Suspended, shall be subject to an ordinance violation citation and a false alarm civil penalty (as defined in section 28-137) in addition to costs. Persons operating an alarm system that was never permitted shall receive a citation and will have ten (10) business days after such violation to apply for a permit. The Metro Alarm Office shall send a certified letter to users that have not applied within the ten (10) day period notifying alarm user that a false alarm civil penalty and costs will be levied if an application is not completed a total of thirty (30) days after the original violation. In addition, alarm user shall further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request by law enforcement personnel until application has been submitted and all civil penalties and costs have been paid.

SECTION 3. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on July 01, 2010 after is has been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

KEMP CONRAD
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller

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